

REMARKS

By the present Amendment, claims 1-11 are cancelled and claims 12-22 are added. This leaves claims 12-25 pending in the application, with claim 12 being independent.

Substitute Specification

The specification is revised to eliminate grammatical and idiomatic errors in the originally presented specification. The number and nature of the changes made in the specification would render it difficult to consider the case and to arrange the papers for printing or copying. Thus, the substitute specification will facilitate processing of the application. The substitute specification includes no "new matter". Pursuant to M.P.E.P. § 608.01(q), voluntarily filed, substitute specifications under these circumstances should normally be accepted. A marked-up copy of the original specification is appended hereto.

Objections to the Drawings

The originally filed drawings stand objected to for allegedly failing (1) to show clearly where the functional filament 18 with loops 22 and 24 passes under and over the filaments of the base fabric, and (2) to illustrate fastener hooks, superposed loops and loops extending below the base fabric. The newly submitted drawing clearly shows where the function filament passes under and over the base fabric filaments to overcome (1). The newly submitted claims are written to avoid objection (2).

Thus, the objections to the drawings are obviated.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Original claims 5 and 6 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. By the present Amendment, the originally filed claims have been rewritten to avoid the language alleged to be indefinite in the Office Action. All language of the presently pending claims is now believed to be clear and definite.

Thus, the pending claims are definite and comply with 35 U.S.C. § 112.

Rejections Under 35 U.S.C. §§ 102 and 103

Claim 12 covers a planar adhesive closure piece for a detachable fastener comprising a base fabric 14 and a functional filament 18. The base fabric is formed of warp filaments 10 and weft filaments 12. At least one of the warp filaments and the weft filaments extend along a level of the base fabric in plan view in sinusoidal or cosinusoidal waves. The functional filament extends through the base fabric and forms fastener elements detachably engageable with other fastener elements.

By forming the planar adhesive closure piece in this manner, the fastening elements do not extend linearly in one direction. The sinusoidal and/or cosinusoidal waves of the weft or warp filaments, as viewed in plan view perpendicular to the planar extent of the fabric, orient the fastening elements non-linearly to provide a clearly defined resistance to disengagement movement of the fastening elements and creating a rigidly determined and constant retaining force. Without the sinusoidal or cosinusoidal waves, the fastening elements are linearly oriented in a manner where they can be slipped off by the lateral movement, adversely affecting the retaining force.

Original claims 1-10 stand rejected under 35 U.S.C. § 102 as being anticipated by EP 064,869 to Okawa. This EP Okawa patent is cited for a woven loop fabric with weft yarns, warp yarns and fastening elements, with the fastening elements being in the form of an open U-shaped loop followed by a closed, circular loop and creating a repeat of at least four weft yarns. Allegedly, a loop passes over two warp yarns and then back. The basic fabric is allegedly formed by warp and weft threads woven in an over/under pattern with the weft yarns passing over and then under the warp yarns. The warp yarns allegedly form a sinusoidal curved pattern allegedly shown in Fig. 2. Allegedly, the loops can be processed or cut to create hooks, as allegedly disclosed in column 2, lines 52-56. The warp and weft filaments of the base fabric allegedly can be made from multiple filament yarns based on the disclosure in column 4, lines 23-25.

Claim 11 stand rejected as being unpatentable over the Okawa EP '869 patent in view of EP 1 129,639 A1 to Okawa. The Okawa '639 patent is cited as disclosing filaments forming a fastener fabric of polyamide, polyester or polypropylene materials.

Claim 12 is patentably distinguishable over the cited patents, particularly the two cited Okawa patents applied in the rejections of the claims, by the warp filaments or the weft filaments extending along a level of the base fabric in plan view in sinusoidal or cosinusoidal waves. The sinusoidal waves of the originally filed claims are allegedly illustrated in Fig. 2 of the Okawa '869 patent. The Okawa '869 patent shows a sinusoidal arrangement of warp yarns 2 in the cross-section of the fabric formed by warp yarns 2 and weft yarns 3. As such, the cross-sectional sinusoidal arrangement in the Okawa '869 does not affect the location of the fastener elements formed by the functional filament.

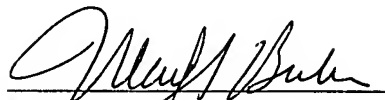
In contrast to the arrangement illustrated in the Okawa '869 patent, the present claimed invention requires the sinusoidal or cosinusoidal waves to be along the level of and in plan view of the base fabric in as shown of Fig. 1 of this application. The claim, by having the sinusoidal or cosinusoidal waves at the level of the base fabric in plan view forms the non-linear arrangement of the functional filaments to avoid the disengagement of the fastener elements formed by the functional filament by a sliding action.

Accordingly, claim 12 is not anticipated or rendered obvious by the Okawa '869 patent. None of the other cited patents cure this deficiency in the Okawa '869 patent.

Claims 13-22 being dependent upon claim 12, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents. Particularly, the sinusoidal waves being exclusively in the weft filaments and the separation of the weave from the mere cross overs of the warp and weft filaments of claim 13, the arrangement of the functional filament relative to the warp and weft filaments of claim 14, the first and second loops of claim 15, the arrangement of the loops relative to the warp filaments and the weft filaments of claim 15, the repeat of claim 17, the loops which can be cut to form hooks of claim 18, the plastic functional filament which can be formed by thermal energy to form mushroom heads of claim 19, the closed ring loops and V- or U-shaped loops of claim 20, the filament system with a plurality of filaments of claim 21 and the materials of claim 22, are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

In view of the foregoing, claims 12-22 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark S. Bicks", written over a horizontal line.

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Dated: August 24, 2007

In the Drawings

Substitute the appended Replacement Sheet for the originally filed drawings.